

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATASHA VAN DUSER, JACKSON LEA,  
CHARLOTTE MASON, TRISTAN HSU,  
MORGANN DANIELS, AMERICA ROSE  
MARVELOUS HERVE, RYAN  
MICKELSEN, KAYL WARD, STEPHANIE  
OSPINA, ZOË FROMER, NICOLE  
IRRIZARRY and JULIETA WINTERS,  
Individually and on behalf of all other persons  
similarly situated,

Plaintiffs,

v.

TOZZER LTD. D/B/A NIAGARA NYC  
AND LOVERS OF TODAY, LAPIZZA  
SHOP, INC., D/B/A 96 TEARS, BERLIN  
AND CABIN DOWN BELOW, BOWERY  
TECH RESTAURANT LLC D/B/A  
BOWERY ELECTRIC, JONATHAN  
TOUBIN, JOSHUA YERINGTON A/K/A  
“JOHNNY T”, JESSE MALIN, AND  
LAURA MCCARTHY, Jointly and Severally,

Defendants.

ECF CASE

No.: 1:23-cv-9329 (AS)

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PROPOSED JUDGMENT

On April 25, 2025, Plaintiffs Natasha Van Duser, Jackson Lea, Charlotte Mason, Tristan Hsu, Morgann Daniels, America Rose Marvelous Herve, Ryan Mickelsen, Kayl Ward, Stephanie Ospina, Zoë Fromer, Nicole Irrizarry and Julieta Winters (the “Plaintiffs”) filed a notice of acceptance of offer of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure;

NOW, it is hereby ORDERED, ADJUDGED AND DECREED that the Plaintiffs has judgment against Defendants Tozzzer Ltd. d/b/a “Niagara NYC” and “Lovers of Today,” Lapizza Shop, Inc. d/b/a “96 Tears,” “Berlin,” and “Cabin Down Below,” Bowery Tech Restaurant LLC d/b/a “Bowery Electric,” Jonathan Toubin, Johnny Yerington a/k/a

“Johnny T,” Jesse Malin, and Laura McCarthy (“Defendants”) in the amount of \$12,000.00 (the “Judgment Amount”) which is inclusive of attorneys’ fees and costs and any other fees, costs, and/or disbursements.

This judgment is intended to resolve, in full satisfaction, all of Plaintiffs’ claims as alleged or which could have been alleged in the Complaint pertaining to this Action, including any damages Plaintiffs asserted or could have asserted in this Action, including but not limited to, any claims Plaintiffs may have for monetary damages, backpay, front pay, liquidated damages, penalties, and any fees, costs, and/or reasonable attorneys’ fees.

The payment amount shall be paid on or before a date within fourteen (14) days of the date of this Judgment. This Judgment does not however waive Plaintiffs’ right to seek entry and to enforce a Confession of Judgment for a different amount if Defendants fail to satisfy this Judgment.

The Clerk of Court is respectfully requested to close this case.

Dated: April 29, 2025

**SO ORDERED**

  
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Hon. Arun Subramanian, U.S.D.J.